



DATE: April 6, 2005

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND
MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: Amendment of Rules 549.70 through 549.74 – Legislative Counsel
Bureau-Special Examination and Appointment Program

This memorandum is to advise you that Title 2 of the California Code of Regulations (2CCR), §§ 549.70 through 549.74 as adopted by the State Personnel Board (SPB) on January 11, 2005, became effective on March 21, 2005. A copy of the final regulations, as amended, are attached and will be published in the CCR, Title 2, Division 1, §§ 549.70 through 549.74.

Government Code (GC) § 10205.1 authorized the Legislative Counsel Bureau (LCB) to permanently use the information technology (IT) broadband classifications and position-specific methods piloted during their demonstration project. To comply with GC § 10205.1, existing 2CCR §§ 549.70 through 549.74 were amended to implement these components on a permanent basis for LCB.

Contact Person:

Inquiries regarding this rule may be directed to Elizabeth Montoya at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010 or call (916) 653-0818, TDD (916) 653-1498.

/s/Floyd D. Shimomura

Floyd D. Shimomura
Executive Officer

Attachments: Text of Final Regulations

Title 2. ADMINISTRATION
Division 1. Administrative Personnel
Chapter 1. State Personnel Board
Subchapter 4. Demonstration Projects

**Article 6. Legislative Counsel Bureau – Special Examination
and Appointment Program**

§ 549.70. Legislative Counsel Bureau: Examinations and Appointments.

If the Legislative Counsel Bureau appointing power wishes to appoint a competitor to an information technology position for which an examination has been conducted, the appointing power shall fill the vacancy by selection of a competitor who has filed a timely application for the examination pursuant to Section 174, who meets the minimum qualifications for the class, and who is judged to be among the best qualified available competitors as a result of evaluations made pursuant to Section 549.71.

If the appointing power has at the same time or within one year of the final date specified for filing an application for the examination more than one vacancy in the same class and for which the same or substantially similar job-related knowledge, skills, and abilities are required, the first and every succeeding vacancy shall be filled in a like manner by selection of a competitor who has filed a timely application for the examination pursuant to Section 174, who meets the minimum qualifications for the class and who is judged to be among the best qualified remaining competitors pursuant to Section 549.71, unless the appointing power chooses to conduct a new examination, in which case the appointing power shall appoint a competitor judged to be among the best qualified in the new examination and who also has filed a timely application for that examination and who meets the minimum qualifications for the class.

The Legislative Counsel Bureau shall maintain records of each examination conducted. The records shall be sufficient to permit an independent review of examinations conducted to determine whether they have complied with the intent of this Section, Section 549.71, and Article VII, Section 1(b) of the California Constitution. For each examination, such records shall include, but not be limited to

(a) a list of competitors who filed an application for the examination together with a notation as to their date of filing; (b) justification whether each competitor met the minimum qualifications for the class; and (c) a summary of the evaluation pursuant to Section 549.71 of each competitor who is offered a position.

The provisions of this regulation do not apply if an appointment is to be made from a reemployment list under Government Code Section 19056. The provisions of this regulation do not apply if an appointment is to be made from a general reemployment list pursuant to Government Code Section 19056.5, unless there are fewer than three persons on the general reemployment list willing to accept employment under the conditions of employment specified, in which case the appointing power may appoint a competitor in accordance with the provisions of the Section.

Examinations shall be conducted pursuant to the procedures in Article 4 (commencing with Section 548.30) and Article 5 (commencing with Section 548.40) as with Career Executive Assignments.

NOTE: Authority cited: Sections 10205.1, 18701 and 18702, Government Code.
Reference: Sections 18701 and 18702, Government Code.

§ 549.71. Legislative Counsel Bureau: Competitive Evaluations.

Evaluations of education, experience, job-related knowledge, skills, abilities, behaviors, and personal qualifications shall be made on a competitive basis in that each competitor shall be evaluated thereon in relation to the minimum and desirable qualifications for the class and position in question and in relation to the comparable qualifications of other competitors. The term "personal qualifications" includes all such personality traits and personal, moral, and physical characteristics as are necessarily comprehended by the minimum and desirable qualifications established for the class and position.

When evaluating a competitor's education, experience, and job-related knowledge, skills, abilities, and behaviors, interviewers shall consider the quality and pertinence of such education, experience, and job-related knowledge, skills, abilities,

and behaviors, and the degree to which the competitor's total education and work history and job-related knowledge, skills, abilities, and behaviors represent suitable preparation for the work of the class and position.

NOTE: Authority cited: Sections 10205.1, 18701 and 18702, Government Code.
Reference: Sections 18701 and 18702, Government Code.

§ 549.72. Legislative Counsel Bureau: Notice Of Examination Results.

As soon as an examination has been completed, each competitor shall be notified in writing of the results of the examination. Pursuant to Section 548.49, an appeal shall be filed within thirty (30) days from the date the candidate was notified of the examination results.

NOTE: Authority cited: Sections 10205.1, 18701 and 18702, Government Code.
Reference: Sections 18701 and 18702, Government Code.

§ 549.73. Legislative Counsel Bureau: Definition Of "Class" And Establishment Of Minimum Qualifications.

For the Legislative Counsel Bureau, "class" means a consolidation of similar classes in the same occupational area into a broader and deeper grouping for which the same general title may be used to designate each position allocated to the class and which may include more than one specialty area within the general field of work.

In addition to the general minimum qualifications for each "class", other job-related qualifications will be required for particular positions within the class. The other job-related qualifications shall be described in the individual Position Descriptions established for each position within the class.

NOTE: Authority cited: Sections 10205.1, 18701 and 18702, Government Code.
Reference: Sections 18701 and 18702, Government Code.

§ 549.74. Legislative Counsel Bureau: Voluntary Transfer Between Classes.

Voluntary transfer between the "classes" as defined in Section 549.73 and other classes will be permitted pursuant to State Personnel Board Sections 430-435, except that transfers from the Legislative Counsel Bureau class of Information Technology Specialist, Range E to the classes of Senior Programmer Analyst (Specialist and Supervisor) and Senior Information Systems Analyst (Specialist and Supervisor) will not be permitted under any circumstances.

NOTE: Authority cited: Sections 10205.1, 18701 and 18702, Government Code.
Reference: Sections 18701 and 18702, Government Code.